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EXTRAORDINARY

भाग I—खण्ड 1

PART I—Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF FOREIGN TRADE

PUBLIC NOTICE

IMPORT TRADE CONTROL

New Delhi, the 23rd April 1970

SUBJECT:—*The scheme of Sale and distribution through Allotment Releases from NMDC's stock of rough precious stones procured from Burma Auction.*

No. 61-ITC(PN)/70.—The NMDC Ltd. have obtained a stock of 1877 grams of rough rubies and 44,721 grams of rough sapphires from the auction conducted by the Government of Burma at Rangoon in February 1970. For the purpose of utilisation of the material for export purposes the following arrangements as regards sales and distribution thereof have been decided upon by the Government of India.

1. The National Mineral Development Corporation will at a notified place and date conduct an auction for the sale of the rough rubies and sapphires divided into convenient lots. They will also notify the terms and conditions regarding payment, delivery and other matters connected therewith.

2. Admission to the auction to be conducted by NMDC will be restricted to members of the Gem and Jewellery Export Promotion Council, who have an export of not less than Rs. 1 lakh to their credit in 1968-69 or 1969-70 of precious stones cut or polished; or sales to foreign tourists of not less than $ 10,000 in either

of these two years or have sold in international fairs or exhibition gems and jewellery worth at least Rs. 1 lakh in any one year within the last three years.

3. The successful bidders at the auction will submit an application in the prescribed form (Annexure I), verified by the Council, to the NMDC for the grant of allotment. The NMDC on scrutiny of the application will endorse the fact of the bidders' participation in the auction, indicating details of the purchase, value, quantity etc. and forward the full set of papers to the licensing office concerned for issue of the allotment release order.

4. The allotment Release Order will be subject to the following conditions:—

(i) That before the actual issue of the allotment release order the applicant would execute a bond (in the form given in annexure II) supported with bank guarantee for 50 per cent of the value of the release order. The bank guarantee shall be valid for a period of two years.

(ii) that as per terms of the bond the successful bidder applicant be required to undertake to export cut and polished rubies and/or sapphires as the case may be to the extent of 142-6/7 per cent of the value of the Release Order within a period of six months from the date of issue of the Allotment Release Order.

5. Advance Licences on fulfilment of Export Obligation.

(a) In the event of fulfilment of the export condition as aforesaid within the prescribed time limit the licensees will be entitled to apply for advance licence or obtain allotment release orders. Such requests will be considered favourably with incorporation of suitable export obligations against quantities allowed.

(b) In the event of non-fulfilment of the export obligation within six months from the date of issue of the release order or such other extended date, the bond/bank guarantee will stand forfeited to the Government of India and in addition, the shortfall in value in export obligation stipulated in para 4(ii) above would be adjusted against any of the licences that may be due to the applicant. He would also be liable to de-registration and any other penal action that may be taken against the applicant under the Imports (Control) Order, 1955, as amended.

6. The applicant, shall have the option of applying for the Allotment of Release Order as aforesaid or alternatively of having a valid import replenishment licence for precious stones held by him, debited with the value of goods purchased by him from NMDC. In case adjustment is made against valid Registered Exporter's Policy Licences, no bond or obligation need be entered into and the normal Registered Exporters' Policy conditions will apply.

7. **Watch Over Performance**

The Gem and Jewellery Export Promotion Council and the concerned Licensing Authority shall closely watch the fulfilment of the export obligation stipulated under the Allotment Release Order. A separate Export-wise Register would be maintained by the Council/Licensing Authority to indicate the progress of fulfilment of obligation against each allotment release order. After the expiry of six months from the date of issue of the Release Order a statement will be furnished by the Council to the Ministry of Foreign Trade, the concerned Licensing Authority and the Chief Auditor in the Department of Economic Affairs indicating the export completed by each firm who has received an allocation release order under this scheme.

ANNEXURE I

Form of application for Allotment Release Order for Rough Rubies and/or Sapphires from N.M.D.C. Ltd.

PART I

(To be filled in by the applicant)

Particulars of applicant

1. Name of the applicant.
2. Full Postal Address.
 (i) House/Shop No.
 (ii) Name of Street/Road
 (iii) Name of locality and city

(iv) Name of State

3. Telegraphic Address:

4. Date of establishment of business in India.

5. Nature of concern, whether Public Company or Private Company, Partnership of Hindu undivided family concern.

6. Names of Directors, Partners, Proprietor or Karta as the case may be.

7. Details of Head Office of the applicant firm and its branches or associated companies (Name and Location)
 (i) In India
 (ii) Abroad

8. Registration No. allotted to Income Tax Vertification Certificate or Exemption therefrom by the Licensing Office.

9. No. and date of Registration Certificate issued by the Gem and Jewellery Export Promotion Council (copy to be enclosed)

10. Items of export for which registered.

11. Name and address of the factory/establishment where the raw material will be fabricated for export.

12. Treasury Receipt No. and the date (Treasury Receipt to be attached in original)

PART II

1. The date and Place of the Auction.

2. Value of the goods bid for by the applicant.

3. Description of the goods.

4. Particulars regarding value of previous advance lincences and value of export obligations, outstanding under other schemes, if any, against the name of the applicant.

 (a) No. and date of advance lincences

 (b) Value of each licence

 (c) Export obligations undertaken

 (d) Time limit for fulfilment of export obligation

 (e) Extent of fulfilment

 (f) Reasons for non-fulfilment against each advance licence.

5. List of documents enclosed.

6. The name of the licensing authority concerned.

Declaration/Undertaking

1. I/We hereby declare that the above statements are true and correct to the best of my/our knowledge and belief. I/We, fully understand that any Allotment Release Order granted to me/us on the basis of the statement furnished is liable to cancellation, in addition to any other penality the Government may impose or any other action that may be taken having regard to the circumstances of the case if it is found that any of the statements or facts therein are incorrect or false.

2. I/We hereby undertake that before the grant of Allotment Release Order, I/We shall execute a bond duly supported by Bank Guarantee for 50 per cent. of the value allotment release order, undertaking to export within a period of six months from the date of deliver of goods by NMDC, the cut and polished rubies sapphires as the case may be to the extent of 142-6|7 per cent of the value of

allotment release order and that on failure to fulfil export obligation within time the amount of the bond will stand forfeited to the Government of India.

3. I/We agree to abide by all the Rules and Regulations framed/to be framed by the Government of India for issue of allotment release order from NMDC.

Date:

Signature

Name in Block Letters
Designation
Residential Address

PART III

(For use by the Gem and Jewellery EPC)

The Gem and Jewellery Export Promotion Council has vertified the particulars furnished by the applicant in this application and hereby certify that:—

(a) the applicant holds a valid registration certificate issued by this Council and is registered exporter of precious stones;

(b) The successful bidder satisfies the condition of export qualifications for participation in auction as laid down in para (2) of the Public Notice No. 61-ITC(PN)/70 dated the 23rd April, 1970.

(c) The details of the outstanding export obligation in respect of advance licences under other schemes in force for the Registered Exporters of Gem and Jewellery products as indicated in Col. 5 of Part II of application have been verified by us to be correct from the records maintained in the Council.

(d) The Council has nothing to report against the applicant.

The Council hereby recommends the grant of Allotment Release Order of the value of Rs.———— on conditions laid down in the scheme on the subject.

Executive Vice Chairman

Dated:

Gem and Jewellery E.P.C.

ANNEXURE II

Specimen Bond Form

If the Allottee/surety is the sole proprietor of the business after giving his name and address, it may be added, "his heirs, executors and adminstrators."

If the Allottee/Surety is a firm of partnership it may be added" partners for the time being of the said firm and the survivors of firm and their respective heirs, executors and administrators."

We (I)————————————of———————— (hereinafter referred to as "the Allottee") which expression shall include his/their successors and assigns and (2)

(I hereinafter referred to as "the Surety") which expression shall ulcss excluded by or repugnant to the context, include its successors and assigns are jointly and severely held and firmly bound upto the President of India (hereinafter called "the Government") in the sum of Rs.———— (Rupees————————————only) to be paid to the said Government of its successors and assigns for which payment we bind ourselves and each of us and each of our heirs executors, administrators, successors an assigns (strike out the words which are no applicable)

Joidt and severally by th se prese ts————d ted this
date of

(For use by N.M.D.C.)

The National Mineral Development Corporation has verified the details of the quantity and value of the roughrubies/supphies that the applicant/applicant firm, M/S.———— has applied for. It is certified that the applicant is the successful bidder for lot No.(s)———— in the Auction held at————on———— and hereby recommend the grant of allotment release order for the undermentioned quantity and value.

Item/Quantity	Value in Rs.
1	1
2	2
3	3
Total	Total

Secretary, N.D.M.C.

To

The J.C.C. I. & E., Bombay/Calcutta/Madras/New Delhi.

The D.C.C.I. & E., Kanpur/Ahmedabad/Hyderabad/Ernakulam

The Controller of Imports and Exports, Srinagar.

And whereas one of the terms provides that the allottee will execute a bond alongwith one sufficient surety in the manner hereinabove written with such conditions as are hereunder.

And whereas the allottee, on the basis of his successful bid at the auction conducted by the N.M.D.C. Ltd. for rough rubies and sapphires, has applied for an allotment Release Order of the value of Rs.————.

Now the condition of the above written bond is such that the said allottee shall within six months from the date of issue of the allotment order export to G C.A. the cut and polished rubies/sapphires for 142-6/7 per cent of the value of the allotment release order i.e. equivalent to the f.o.b. value of Rs. and that, in the event of failure to do so, surrender or cause to be surrendered the replenishment entitlement earned by him in his capacity as a registered exporter of Gem and Jewellery goods under the import policy for such exporters, otherwise the bond shall remain in full force and virtue and the surety shall on demand pay to the President of India the said sum of Rs. ————.

And the Surety hereby further agrees that the Government shall have the fullest liberty without affecting in any manner the obligation of the Surety with or without his consent to vary any of the terms or extend time from time to time for the exercise of any of the powers exercisable by the Government against the Allottee and either to forbear or enforce any of the terms of conditions and the Surety shall not be relieved from his liability by reason of any variation or by any indulgence by the Government to the Allottee or by any such matter or thing whatsoever which under the law relating to the Sureties would but for this provision have the effect of so relieving the Surety.

And it is hereby declared that

(a) The above written bond shall remain in full force and effect for a period of eighteen months from the date of execution of this bond.

(b) Any forbearance, act or omission on the part of the Government in enforcing the conditions of the aforesaid bond against the Allottee or any time being granted or any indulgence by the Government to the Allottee in connection therewith shall not discharge the Surety.

(c) That this bond is entered into under the orders of the Central Government for the performance of an Act in which the public are interested,

(d) That the payment of the amount of the bond will not affect the liability of the Allottee to any other action (including refusal of further allotment release order) that may be taken under the Import Trade Control regulations.

The stamp duty on this bond has been agreed to be paid by the Government

In witness whereof the parties hereto have duly executed these presents the day and the year first above written.

Signed, sealed and delivered by the——————————within named Allottee. In the presence of

(1) ——————————

(2) ——————————

(Witness should also give their occupation and address) signed, sealed and delivered by the —————————— within named surety, in the presence of

(1) ——————————

(2) ——————————

(Witnesses should also give their occupation and address)

for and on behalf of the President of India.

R. J. REBELLO,

Chief Controller of Imports & Exports.

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